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मध्यप्रदेश राजपत्र

(असाधारण) प्राधिकार से प्रकाशित

क्रमांक 356]

भोपाल, गुरुवार, दिनांक 28 जून 2018—आषाढ़ 7, शक 1940

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 28 जून 2018

क्र. 10725-203-इक्कीस-अ-(प्रा.)—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में,
मध्यप्रदेश राज्य उच्च शिक्षा परिषद् विधेयक, 2018 (क्रमांक 7 सन् 2018) का अंग्रेजी अनुवाद राज्यपाल के
प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अतिरिक्त सचिव.

MADHYA PRADESH BILL**NO. 7 OF 2018****THE MADHYA PRADESH RAJYA UCHCHA SHIKSHA PARISHAD VIDHEYAK, 2018****TABLE OF CONTENTS****Clauses:**

1. Short title, extent and commencement.
2. Definitions.
3. Constitution of the Council.
4. Composition of the Council.
5. Terms and conditions of service of Chairperson, Vice-Chairperson and Members.
6. Meeting of the Council.
7. Staff of the Council.
8. Authentication of orders and decisions of the Council.
9. Powers and functions of the Council.
10. Fund of the Council.
11. Annual accounts and audit.
12. Annual financial statement.
13. Annual report.
14. Inquiry.
15. Disqualification.
16. Vacancies etc. not to invalidate proceedings.
17. Directions by the Government.
18. Power to make rules.
19. Power to make regulations.
20. Protection of action taken in good faith.
21. Power to remove difficulties.

MADHYA PRADESH BILL

NO. 18 OF 2018

THE MADHYA PRADESH RAJYA UCHCHA SHIKSHA PARISHAD VIDHEYAK, 2018

A Bill to provide for constitution of the Madhya Pradesh Rajya Uchha Shiksha Parishad to advise the Government in matters relating to Higher Education in the State and for matters connected therewith and incidental thereto.

Be it enacted by the Madhya Pradesh Legislature in the sixty-ninth year of the Republic of India as follows:—

1. (1) This Act may be called the Madhya Pradesh Rajya Uchha Shiksha Parishad Adhiniyam, 2018.

**Short title,
extent and
commencement.**

(2) It shall extend to whole of the State of Madhya Pradesh.

(3) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "Abhiyan" means the Rashtriya Uchchatar Shiksha Abhiyan;
- (b) "Central Government" means the Government of India;
- (c) "Chairperson" means the Chairperson of the Madhya Pradesh Rajya Uchha Shiksha Parishad;
- (d) "college" means a college affiliated to or associated with or recognized by, any University in the State including engineering colleges, polytechnic colleges and all colleges established in the private sector under any department of Government of Madhya Pradesh;
- (e) "Council" means the Madhya Pradesh Rajya Uchha Shiksha Parishad constituted under section 3;
- (f) "degree" means a degree in arts, commerce, science, oriental languages, engineering, technology, law or any such other degree which is granted by any university of the State recognized by the University Grants Commission;
- (g) "department" means department of Government of Madhya Pradesh;
- (h) "diploma" means any course of study after tenth or twelfth class to which a diploma is awarded but does not include a certificate course;
- (i) "Directorate or Project Directorate" means the State Project Directorate established by the Higher Education Department, Government of Madhya Pradesh for implementation of Abhiyan;
- (j) "educational institution" means an academic institution of higher education and research;
- (k) "educationist" means working or retired Professors of University or Colleges, Principal of the College, Vice-Chancellor of the University or the Director of any national level institution who have made outstanding contribution in the field of education at national or international level;

- (l) "Government" means the Government of Madhya Pradesh;
- (m) "higher education" means every education above the twelfth class leading to a degree or diploma;
- (n) "Member" means a Member of the Council;
- (o) "notification" means a notification published in the Madhya Pradesh Gazette and the word 'notified' shall be construed accordingly;
- (p) "officer" means officer of Central or State Government;
- (q) "prescribed" means prescribed by rules made under this Act;
- (r) "Project Director or Additional Project Director" means the State Project Director or Additional Project Director appointed by the Government for implementation of Abhiyan;
- (s) "regulations" means the regulations made by the Council under this Act;
- (t) "rules" means the rules made in exercise of the powers conferred by this Act;
- (u) "State" means the State of Madhya Pradesh;
- (v) "University" means any university in the State established by an Act of State Legislature;
- (w) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956 (No. 3 of 1956);
- (x) "Vice-Chairperson" means the Vice-Chairperson of the Council.

**Constitution of
the Council.**

3. (1) The Government shall, by notification, with effect on and from such date as may be specified in this behalf, constitute a Council for the purpose of this Act to be called the Madhya Pradesh Rajya Uchha Shiksha Parishad.

- (2) (a) The Council shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.
- (b) In all suits and other legal proceedings by or against the Council, the proceedings shall be signed and verified by the Member Secretary and all processes in such suits and proceeding shall be issued to and served on the Member Secretary.
- (3) The headquarters of the Council shall be at Bhopal.

**Composition of
the Council.** 4. The Council shall consist of the following members and office bearers namely:-

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|---|------------------|
| (i) Minister incharge Department of Higher Education, Government of Madhya Pradesh; | Chairperson |
| (ii) Additional Chief Secretary or Principal Secretary or Secretary, Department of Higher Education, Government of Madhya Pradesh; | Vice-Chairperson |
| (iii) two sitting Vice-Chancellors from public (State Funded universities (established by the Madhya Pradesh Vishwavidyalaya Adhiniyam, 1973) nominated by the Government and one Vice-Chancellor from among private State Universities established in the State; | Member |

(iv)	six eminent educationist representing various fields of education (including two woman, one Scheduled Caste and one Scheduled Tribe and at least two from outside Madhya Pradesh) nominated by the State Government having qualification and experience equivalent to those of Professors as per University Grants Commission;	Members
(v)	Government of India nominee;	Ex-officio Member
(vi)	Additional Chief Secretary or Principal Secretary or Secretary, Department of Technical Education and Skill Development , Government of Madhya Pradesh;	Ex-officio Member
(vii)	Commissioner, Higher Education, Government of Madhya Pradesh;	Ex-officio Member
(viii)	Director, College of Excellence, Bhopal;	Ex-officio Member.
(ix)	Principals from two Government autonomous colleges nominated by the Government;	Member
(x)	Principal or Director, from two private autonomous colleges from Madhya Pradesh nominated by the Government;	Member
(xi)	Project Director, Rashtriya Uchchatar Shiksha Abhiyan, Government of Madhya Pradesh Department.	Member Secretary

(2) Every appointment or nomination under this section shall take effect from the date on which it is notified by the Government.

5. (1) The Members (others than ex-officio members) shall be appointed or nominated by the Government ordinarily for a term of two years and shall be eligible for reappointment for a second term only for two years. They shall not entitled for any facility like house, vehicle etc.

(2) The Member (other than an ex-officio Member) may resign his office in writing under his hand addressed to the Vice-Chairperson and every such resignation shall take effect from the date on which it is accepted by the Government.

(3) In the absence of Chairperson, the Vice-Chairperson shall chair the meeting.

(4) For all non-official members to be nominated the eligibility condition shall be such as may be prescribed by the Government.

6.(1) The Council shall meet as often as may be necessary at such time and place and observe such rule of procedure as may be prescribed, but it shall meet at least twice in a year.

Meeting of the Council.

(2) The quorum for the meetings shall be one third of the filled up membership and decisions may be taken in the meetings by simple majority of those present and voting.

7. The State Project Directorate shall provide clerical services to the Council.

Staff of the Council.

8. All orders and decisions of the Council shall be authenticated by the Member Secretary.

Authentication of orders and decisions of the Council.

Powers and functions of the Council. 9. (1) The Council shall make recommendations to the Government on long term measures for implementation of policy reforms to improve accessibility, equity and quality in higher education.

(2) The council shall make recommendations to the Government on long term measures to achieve Sustainable Development Goal (SDG) for education.

(3) The council shall suggest measures for the administrative reforms, academic and financial accountability of the Universities and other institutions of higher education in the State.

(4) The council shall submit its recommendations on any matter related to higher education in the State as required by the Government.

Fund of the Council. 10. The Council shall have its own fund comprising the grants received from the Government and from any other source, duly accounted in such manner as may be prescribed.

Annual accounts and audit. 11.(1) The accounts of the Council shall be maintained in such manner and in such form as may be prescribed.

(2) The Council shall prepare an annual statement of accounts in such form and in such manner as may be prescribed.

(3) The accounts of the Council shall be audited once in a year by such auditor as the Government may appoint in this behalf.

(4) The Member Secretary to the Council shall cause the annual audit report to be printed and forward a printed copy thereof to each member and shall place such report before the Council for consideration at its next meeting.

(5) The Council shall take appropriate action forthwith for remedy of any defect or irregularity that may be pointed out in the audit report.

(6) The accounts of the Council as certified by the auditor together with the audit report along with the remarks of the Council thereon shall be forwarded to the Government within such time as may be prescribed.

(7) The Government shall, as soon as may be after the receipt of the annual accounts together with the audit report under sub-section (6), cause the same to be laid down before the State Legislative Assembly.

Annual financial statement. 12. (1) The Council shall prepare and submit an annual financial statement to the Government on or before such date as may be prescribed of the estimated capital and revenue receipts and expenditure for the ensuing year.

(2) The said statement shall include a statement of salaries and allowances of members, the Council and of such other particulars as may be prescribed.

(3) The Council may at any time during the year in respect of which a statement under sub-section (1) has been submitted, submit to the Government a supplementary statement, and all provisions of this section shall apply to such statements as they apply to such statement under the said sub-section.

Annual report. 13. The Council shall prepare for every year a report of its activities under this Act during that year and submit the report to the Government.

Inquiry. 14. The Government has right to enquire into any activity of Council and if some lacuna are founds the Government shall give directives for the rectification of the lacuna.

15. (1) No person shall be qualified for nomination or to continue as a member of the Council, if on the date of such nomination or on any date thereafter, he is:— Disqualification.

- (a) of unsound mind; or
- (b) adjudicated as an un-discharged insolvent, or sentenced by a criminal court to imprisonment for any offence involving moral turpitude; or
- (c) directly or indirectly by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of the Council; or
- (d) a person who has been terminated from any Government or University service for guilty of misconduct or negligence.

(2) In case of dispute or doubt as to whether a person is disqualified under sub-section (1), the decision of the Government shall be final.

16. (1) If a casual vacancy occurs in the Council or any other Member, (other than an exofficio Member) whether by reason of death, resignation or inability to discharge his functions owing to illness or other incapacity or for any other reason, such vacancy shall be filled by the Government in the manner specified under section 5. Vacancies etc. not to invalidate proceedings.

(2) No act or proceedings of the Council shall be deemed to be invalid by reason of any vacancy or any defect in the constitution of the Council.

17. Under this Act the Government shall be empowered to give suitable directives to the Council in the interest of State policy and requirements. Directions by the Government.

18. The Government may, by notification, make rules for carrying out all or any of the purposes of this Act. Power to make rules.

19.(1) The Council may make regulations consistent with this Act and the rules made thereunder, regulating the meeting of the Council and the procedure for conducting business thereof. Power to make regulations.

(2) No regulation shall be made under this section except with the previous approval of the Government.

20. No suit, prosecution or other legal proceeding shall lie against the Council or any Member or officer or employee of the Council for anything which is done or intended to be done in good faith in pursuance of the provisions of this Act or any rules or regulations made thereunder. Protection of action taken in good faith.

21. If any difficulty arises in giving effect to the provisions of this Act, the Government, may by order, make such provision not inconsistent with the purpose of this Act, as appears to them to be necessary or expedient for removing the difficulty. Power to remove difficulties.

STATEMENT OF OBJECTS AND REASONS

State requires a supreme policy body for higher education to develop a comprehensive, long term and inclusive education plan. State Universities cannot be monitored fully through a central system. Rastriya Uchchatar Shiksha Abhiyan requires formation of Rajya Uchha Shiksha Parishad for planned and coordinated development of higher education in State, sharing of resources between Universities, leading academic and governance reforms at institutional level, establishing principles for funding institutions, maintaining a data bank on higher education and conducting research and evaluation studies. Therefore, in order to function State Higher Education System effectively, the State need to set up Rajya Uchha Shiksha Parishad by suitable enactment.

Editor:

BHOPAL:
DATED THE 6th June 2018

JAIBHAN SINGH PAWAIYA
Member-In-Charge.